IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 3151 of 2005

Between:

G.Rama Rao, Conductor, E 301282, S/o.Laxmaiah
R/o.H.No.16-1-1/5, Raja Rajeshwari Temple,

Badrachalam, Khammam District.

..... PETITIONER

AND

1 The Divisional Manager, APSRTC,

Khammam Division, Khammam District.
2 The Depot. Manager, APSRTC,

Badrachalam Bus Depot, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings No.PA/62(83)/90-BCM, Dt.31.8.90 as illegal, arbitrary and unjust and consequently set aside the proceedings No.PA/62(83)/90-BCM, Dt.31.8.90 issued by the 2nd respondent and pass such further other order or orders.

Counsel for the Petitioner :Mr.G.RAVI MOHAN

Counsel for the Respondents : SMT.P.RAJANI REDDY

The Court at the stage of admission made the following :

ORDER:

Heard both the counsel.

The petitioner questions the order dated 31-08-1990 issued by the 2nd respondent imposing punishment of postponement of annual increment for a period of one year, which shall have the effect of postponing the future increments. The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting an enquiry.

This Court in ***S.K.MASTAN v. MANAGING DIRECTOR, APSRTC*** held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one increment without cumulative effect instead of initiating disciplinary proceedings once again, for which the respondents have no objection. By virtue of this Order, the petitioner is not entitled for any monitory benefits till this date from the date of impugned order.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of one year, which shall not have the effect of postponing the future increments. No costs.

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K.C.BHANU, J.

Dt:22-02-2005.

Rns.

To

1 The Divisional Manager, APSRTC,

Khammam Division, Khammam District.

2 The Depot. Manager, APSRTC,

Badrachalam Bus Depot, Khammam District.

3 Two CD copies.